

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY ANTONIO WRIGHT,

Plaintiff,

v.

GRANT AUSTIN et al.,

Defendants.

CASE NO. 3:15-CV-05887-BHS-JRC

ORDER ON PHOTO EVIDENCE

On December 19, 2016, plaintiff filed a letter asking the Court if he may send photo evidence regarding his claim that defendants used excessive force. Dkt. 34. On December 22, 2016, defendants filed their motion for summary judgment. Dkt. 35. Plaintiff filed the proposed photo evidence on January 18, 2017. Dkt. 42. On January 19, 2017, the Clerk's Office sealed the photo evidence per the protective order entered on December 5, 2016. Dkt. 33. To date, plaintiff has not filed a response to defendants' motion. *See* Dkt.

While it is permissible to attach exhibits to pleadings and motions if the exhibits are incorporated by reference (Fed. R. Civ. P. 10(e)), this Court will not serve as a storehouse for plaintiff's evidence. Attaching exhibits to the complaint or to declarations filed independently of

1 any motion or response is not the proper procedure for admitting evidence for the purpose of
2 proving his allegations. However, a liberal construction of plaintiff's letter and the proposed
3 photo evidence is that plaintiff intended his filings to be a response to defendants' motion for
4 summary judgment. Thus, plaintiff is advised that the Court will consider plaintiff's letter and
5 the proposed evidence as a response to defendants' motion for summary judgment.

6 Dated this 19th day of January, 2017.

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8 J. Richard Creatura
9 United States Magistrate Judge
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